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Attorneys for Defendant  
BCBG MAX AZRIA

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**JENNIFER BATHON** on behalf of herself  
and all others similarly situated,

Plaintiff,

VS.

BCBG MAX AZRIA,

Defendant.

Case No. C08-01647 JSW

**STIPULATION OF DISMISSAL AND  
[~~PROPOSED~~] ORDER**

Complaint Filed: June 5, 2007  
Trial Date: None Set

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**STIPULATION OF DISMISSAL**

Pursuant to Fed. R. Civ. P. 41(a)(1)(ii), Plaintiff Jennifer Bathon (“Plaintiff”) and Defendant BCBG Max Azria (“Defendant”) hereby stipulate and agree to the dismissal of Plaintiff’s individual claims against Defendant *with prejudice*, and with each party bearing its own costs and fees. Plaintiff’s putative class claims against Defendant are dismissed without prejudice to the rights of any of the members of the putative class, and with each party bearing its own costs and fees.

Dated: July 14, 2008

CALL, JENSEN & FERRELL  
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By: s/SCOT D. WILSON  
SCOT D. WILSON

Attorneys for Defendant BCBG Max Azria  
E-mail: swilson@calljensen.com

Dated: July 14, 2008

DONOVAN SEARLES, LLC  
FRANCIS & MAILMAN, P.C.

By: s/DAVID A. SEARLES  
DAVID A. SEARLES

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**ORDER**

**IT IS HEREBY ORDERED** that Plaintiff Jennifer Bathon's ("Plaintiff") individual claims against Defendant BCBG Max Azria ("Defendant") be dismissed with prejudice, and with each party bearing its own costs and fees. Plaintiff's putative class claims against Defendant are dismissed without prejudice to the rights of any of the members of the putative class and each party shall bear its own costs and fees.

Dated: July 14, 2008

  
HON. JEFFREY S. WHITE  
U.S. DISTRICT COURT JUDGE